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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Harrington *et al.*

Appl. No. 09/760,897

Filed: January 17, 2001

For: **Compositions and Methods for Non-Targeted Activation of Endogenous Genes**

Art Unit: 1655

Examiner: B. Forman

Atty. Docket: 0221-0003OC

**PETITION FOR A FILING DATE IN RESPONSE TO THE NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION**

Box DAC  
Assistant Commissioner for Patents  
Washington, D.C. 20231

03/13/2002 SZEWDIE1 00000035 09760897

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130.00 0P

Sir:

Further to the Notice of Omitted Item(s) in a Nonprovisional Application mailed January 9, 2002, Applicants submit herewith this Petition requesting that the U.S. Patent & Trademark Office accord the filing date of January 17, 2001 to all 166 pages of the specification of the above-identified continuation application including allegedly omitted pages 53 and 54. Evidence of the existence of pages 53 and 54 on the filing date of January 17, 2001 of the above-identified continuation application is provided herewith in the following supporting documentation attached hereto:

1. a copy of the postcard receipt dated January 17, 2001 indicating that a copy of the prior application as originally filed had been filed at the U.S. PTO on January 17, 2001. The prior application is Appl. No. 09/515,124, filed February 25, 2000;<sup>1</sup>

<sup>1</sup> References to the filing date of Appl. No. 09/515,124 as February 27, 2000 are in error. The correct filing date of the parent application (Appl. No. 09/515,124) is February 25, 2000 as evidenced by the Deposit of Mailing on the Transmittal Letter attached hereto.

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2. a copy of the Request for Filing a Continuation Application dated January 17, 2001 indicating that Applicants were filing a "complete copy of the prior application including the oath or Declaration and drawings, if any, as originally filed;"

3. a "complete copy of the prior application . . . as originally filed" containing 166 pages (154 pages of specification, 11 pages of claims and a 1 page abstract);

4. a copy of the postcard receipt from the originally filed parent application (Appl. No. 09/515,124) indicating that 166 pages (specification, claims and abstract) were filed in the U.S. PTO on February 25, 2000; and

5. a copy of the three-page transmittal letter from the originally filed parent application (Appl. No. 09/515,124) indicating that 166 pages (specification, claims and abstract) were filed in the U.S. PTO on February 25, 2000.

Since Applicants filed a complete copy of the prior application (Appl. No. 09/515,124) on January 17, 2001 as evidenced by the attached documentation, all 166 pages of the above-identified application are entitled to the filing date of January 17, 2001.

The Petition Fee of \$130.00 as set forth in 37 C.F.R. 1.17(h) is enclosed. The Commissioner is hereby authorized to charge any fee deficiency, or credit any overpayment, to our Deposit Account No. 50-0622. A duplicate copy of this letter is also enclosed.

Appl. No. 09/760,897  
Atty. Dkt. No. 0221-0003OC

Prompt and favorable consideration of this Petition and the cited documents and making the same of record in the prosecution of the above-noted application is respectfully requested.

Respectfully submitted,

SHANKS & HERBERT

By: Kristin K. Vidovich  
Kristin K. Vidovich  
Reg. No. 41,448

Date: March 8, 2002

TransPotomac Plaza  
1033 N. Fairfax Street  
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Alexandria, VA 22314

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